**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 70 of 2006 (SS)

Smt. Anita Rastogi w/o Ajay Kumar
House No. 8, Lane No.5 Ashirvad Enclave
Ballupur, Dehradun ..... Petitioner

Versus

1. State of Uttaranchal
2. District Inspector of Schools, Dehradun
3. Principal, Phool Chand Nari Shilp Mandir Girls Inter College, Nari Shilp Mandir Marg, Dehradun ..... Respondents

Sri S.S. Chauhan, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 8.2.2006

**Hon'ble Rajesh Tandon J.**

Heard Sri S.S. Chauhan counsel for the petitioner and Sri Harendra Belwal, Brief Holder for the respondents. Both the parties have agreed that the case be decided finally at this stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to pay the salary to the petitioner w.e.f. 12.3.2003.

Briefly stated, petitioner was appointed as Assistant Teacher (C.T. Grade) in Science subject in Hindu Kanya Inter College, Shamli, District Muzaffar Nagar on 16.3.1980. She was transferred to Phool Chand Nari Shilp Mandir Girls Inter College, Dehradun vide order dated 3.2.2003. She joined the service as Assistant Teacher (L.T.Grade) in Phool Chand Nari Shilp Mandir Girls Inter College, Dehradun on 12.3.2003.

According to the petitioner on 21.4.2003 District Inspector of Schools, Muzaffar Nagar passed an order, to the effect that since the petitioner was absent w.e.f. 24.8.1987 to 8.12.2002 continuously for 13 years, 10 months and 24 days, her service has automatically come to an end according to the relevant rules. The petitioner has challenged the said order before Allahabad High Court in writ Petition No. 25244 of 2003 and the High Court vide order dated 18.6.2003 stayed the operation of the order passed by the District Inspector of Schools, Muzaffar Nagar.

Petitioner has submitted that on 30.6.2003, Principal, Phool Chand Nari Shilp Mandir Girls Inter College, Dehradun passed the order directing the petitioner to get the order passed in her favour from the District Inspector of Schools, Dehradun for payment of salary. Despite of several requests and representations made on the part of the petitioner, no order could be passed by the respondent authorities. The petitioner also filed a representation on 21.11.2004 by which the petitioner requested the District Inspector of Schools, Dehradun to pass order for payment of salary in favour of the petitioner. The Principal, Phool Chand Nari Shilp Mandir Girls Inter College, Dehradun has also wrote a letter to the District Inspector of Schools on 2.12.2004 by which request was made to issue instructions into the matter of payment of salary to the petitioner.

Considering the facts and circumstances of the case respondents are directed to decide the representation of the petitioner dated 21.11.2004 within 15 days after the receipt of the certified copy of this order and pay her admissible salary according to rules.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 8.2.2006

*Dhyani **Rajesh Tandon J.**